

JOINT MEMORANDUM

FROM: ▪ Nargis Choudhry, Chair, Real Property Law Section, State Bar of California (“**RPLS**”);
 ▪ Donald C. Nanney, Treasurer, Real Property Section, Los Angeles County Bar Association (“**LACBA Section**”)

TO: ▪ Executive Committee, RPLS;
 ▪ Executive Committee, LACBA Section

DATE: January 21, 2006

SUBJECT: Report of Meeting with Board of Legal Specialization, State Bar of California (January 13, 2006)

As requested by our respective Executive Committees, we attended the meeting of the State Board of Legal Specialization (BLS) that was held in the LaGuardia Room at the Los Angeles Airport Weston Hotel commencing shortly after 10:00 am on January 13, 2006. Our task as assigned by our Executive Committees was to state strong opposition to the pending proposal for legal specialization in real property law.

Persons in attendance at the meeting included BLS staff, BLS members, past chairs, possibly some of the commission chairs for respective specialty areas, as well as members of the Real Estate Law Consulting Group (“Consulting Group”).¹ The recommendation and report of the Consulting Group was on the agenda for BLS consideration and approval (attached are copies of the Consulting Group’s memorandum of January 12, 2006, to the BLS and the revised Standards for Certification and Recertification in Real Estate Law that were recommended by the Consulting Group). Other persons in attendance included Nargis Choudhry, Don Nanney and Brant Dveirin (another member of the Executive Committee, LACBA Section).

We were welcomed by the Chair of the BLS, J. Scott Bovitz.² There were approximately 25 agenda items for their meeting, including both open and closed sessions. Due to our presence, Mr. Bovitz kindly took up the real estate specialization item first, out of order on the agenda. The ensuing discussion lasted approximately 2½ hours on that one agenda item. Mr. Bovitz managed the discussion and called speakers in the following order:

- **Phyllis Culp** (BLS staff Director) provided introductory comments about the status of the proposal and the process to be followed should the BLS

¹ There appeared to be at least some overlap between the membership of the Consulting Group and the members of the BLS or its commissions or past chairs.

² Mr. Bovitz is a certified specialist in bankruptcy law and is with the firm of Bovitz & Spitzer in Los Angeles, California.

approve the proposal. Ms. Culp explained that (i) the Board of Governors appoints a consulting group to determine if an area is feasible for specialization, (ii) for real property law, there have been starts and stops since 1996, (iii) in 2003, the Board asked that the standards be reviewed, (iv) RPLS members were out of process as members of the Consulting Group,³ (v) Gary Arnold is representing the Consulting Group and responding to comments, and (vi) a decision is before the BLS, whether to go to the Board of Governors with the proposal. If the BLS submits the proposal to the Board of Governors, the decision before the Board of Governors will be whether to continue with the process by sending the revised proposal out for public comment again, likely with a shorter period for comments (45 days vs. 90 days the first time). Ms. Culp presented two charts. One showed the results of public comment broken down by nine districts within the state and by category of commenter (e.g., attorney/broker, bar association, in-house counsel, law firm, real estate services, solo practitioner, government employee and unknown). The other chart broke down the public comment by type of comment, i.e., “Yes,” “Yes/but,” “No/but” or “No” on the proposal. Copies of those charts are attached to this memorandum.

- **Michael Ferguson** (past Chair of the BLS and apparent member of the Consulting Group) spoke about the history of the proposal, the work of the Consulting Group and its recommendation. He raised and rebutted various objections to the proposal and strongly supported the proposal.⁴ He stated that (i) 10 years ago the RPLS did not agree to specialization, but would be interested in proposed standards, (ii) two years ago consulting groups were formed in labor law⁵ and real property law, (iii) proposed real property standards were sent out for public comment, with

³ Three members of the RPLS (David Bagley, former Chair and advisor to Executive Committee, Marc Fong, advisor, and Rich Carlston, member of Executive Committee) participated informally but were not actual members of the Consulting Group. They were authorized by the Executive Committee to participate, but specifically without any assurance that the Executive Committee would ultimately concur with any Consulting Group or BLS recommendations or decisions. The BLS proposal, as initially published for public comment, incorrectly implied that the RPLS Executive Committee concurred in the proposal. That misleading impression (as set forth in a mailing and on the State Bar website) was later corrected (on the website) in light of the clear opposition of the Executive Committee to the proposal.

⁴ Mr. Ferguson is a certified specialist in estate planning and is with the firm of Ferguson & Berland in Berkeley, California. He was the most articulate spokesperson for the proposal and had perhaps the longest history with the proposal and the BLS.

⁵ We were told that vocal opposition has been received regarding the proposal for specialization in labor law, even more vocal than ours, which has been polite in comparison to some other groups.

the unusual step of having 10,000 notices sent by postcard,⁶ (iv) there was an unprecedented response of over 400 with more negative than favorable responses, with a total return of 4% of those notified, and (v) historically, and consistent on a state and national level, about 25% will agree, 25% will clearly say no, and about 50% will just wait and see what happens. We were also informed that (i) the Consulting Group doubled the number of hours, (ii) the "too broad" argument has been an issue with every specialty area, including tax and estate planning, (iii) the issue is cost and administrative efficiency, with the cost being about \$30-50,000 per year to run a particular consulting group, therefore fields need to be identified broadly, and (iv) they have tried in different ways to address the specialty issues, such as the ability to identify your subspecialty ("with an emphasis in") as well as professional responsibility rules which prohibit taking a case where you lack competence.

- **Gary Arnold** (member of the Consulting Group and author of its report) spoke about the work of the Consulting Group, the difficult issues involved, their consideration of public comments, their revisions to the proposal in response to the public comments, and the Consulting Group's ultimate recommendation supporting the revised proposal.⁷ He said that while the Consulting Group was not unanimous, there was consensus that specialization made sense from both professional (increased CLE) and consumer perspectives. He noted the difficulty with educating in numerous sub areas, that it would be too unwieldy and administratively prohibitive to do so. He further stated that, e.g., residential landlord/tenant would be too narrow and not terribly helpful. When pressed with a question from Michael O'Hallern⁸ with how feasible it would be to come up with reasonable sub-areas, Mr. Arnold thought that perhaps landlord/tenant or residential re-sales might be possibilities. It was noted that bankruptcy specialization has the least enrollment of any area, and the personal and small business bankruptcy subspecialties have been eliminated over time.⁹ Lester Friedman¹⁰ asked how to test in specialized

⁶ We are aware of a letter mailing by the BLS. In addition, the RPLS mailed a newsletter to all of its members with pro and con pieces and a detachable postcard for responses, provided information on its website, and hosted a discussion board on the subject.

⁷ Mr. Arnold is with the firm of Arnold, Bleuel, LaRochelle, Mathews & Zirbel in Oxnard, California. He is not a BLS member and is not now a certified specialist. He was a charter member of the initial Real Estate Consulting Group years ago, and it appeared that he would like to be a certified specialist in real estate law.

⁸ Mr. O'Halloran is a member of the BLS and a certified specialist in bankruptcy law. His law office is in San Diego, California.

⁹ A comment was made suggesting that bankruptcy specialization enrollment may have declined when the subspecialty distinctions were eliminated in that field, especially with respect to large firm specialists.

areas such as CC&Rs which is all that one member of the Consulting Group does. One answer was to simply test in core areas of real property law, and not the sub-areas. It was noted that testing was only one component of certification, and that other checks include experience, education and peer review.

- **Nargis Choudhry** spoke on behalf of the RPLS (with membership of over 7,000 attorneys), stating strong opposition to the proposal. She stated that the RPLS Executive Committee is unanimously in opposition, that other bar associations (LACBA, Santa Clara County and Contra Costa County) as well as the Environmental Law Section of the State Bar are also in opposition, that real property law is too broad and more like litigation¹¹ than other fields that have certification, that the subspecialty comments from RPLS' official comment letter (copy attached) were ignored, and that other comments from the Environmental Law Section (copy attached) were also disregarded. She noted that there was essentially no clear purpose in creating a real property law specialty certification program, observing that real property attorneys can already specify areas of emphasis in their practice and that rules of professional conduct are already in place prohibiting attorneys from performing work in which they lack competence.
- **Don Nanney** spoke on behalf of the LACBA Section (with membership of approximately 1,600 attorneys), opposing the proposal. He concurred in Nargis' comments and noted that the LACBA Section's Executive Committee (which includes attorneys from law firms of various sizes as well as in-house counsel) is unanimously opposed to the proposal, 24-0, that the minor revisions made by the Consulting Group do not address the concerns leading to that opposition, that the proposed certification would be inherently false and misleading to consumers, and that it would be more truthful to label an attorney certified under the proposed program as a certified "generalist" in real property law rather than a "specialist."
- **Brant Dveirin** spoke as a member of the Executive Committee, LACBA Section, also opposing the proposal. He said that the BLS is assuming a consumer need that does not exist. The general public's need for real estate lawyers is very limited, maybe unlawful detainer cases or residential sales, which does not justify a specialization program in real estate generally. Some areas like eminent domain may be isolated and hence easier to create a specialty, but the general public does not need protection

¹⁰ Mr. Friedman is a member of the BLS and a certified specialist in workers compensation law. His law office is in Beverly Hills, California.

¹¹ We were told that the BLS has attempted to add litigation as a specialty area, but the proposal faltered due to opposition from large firms that have litigation attorneys who rarely actually go to trial. (There must have been something about trial experience in the proposed standards; it would be interesting to know more about that.)

from eminent domain lawyers. The Consulting Group's memo states that it would be virtually impossible from an administrative standpoint to create subspecialties, and that the public comments included responses that the proposed education requirement is either too stringent or too lax. Under these circumstances, more needs to be done before a proposal will be ready for approval and further public comment. He observed that any movement toward specialization in real property law should start with something small and relevant to consumers, like residential landlord/tenant or residential sales, and expand from there based on experience, if appropriate.

After each speaker, Mr. Bovitz allowed questioning of the speaker by the BLS group.¹² Nargis, Don and Brant were each allowed to speak only when each had the floor and in response to questioning by members of the BLS group. We were not otherwise allowed to participate, so that when one of us had the floor, the other two could not interject any comments or assist with answers to questioning by the BLS group, and we could not question members of the BLS group (except incidentally during exchanges when one of us had the floor). Notwithstanding those limitations on our ability to participate in the discussion, we had much more opportunity to speak than we had anticipated.

When that process was completed, Mr. Bovitz closed the formal, public discussion of this agenda item. He thanked us for our appearances and comments. He noted that, due to the length of the discussion on this one agenda item and the need to attend to the many other agenda items, the BLS would be unable that day to pursue further discussions, which he anticipated would take several hours.¹³ They will reschedule that discussion for another meeting [which could affect the timing of presentation of the proposal to the State Bar Board of Governors]. A short recess was then taken, during which we had some further informal discussions among ourselves and with certain BLS group members before we departed and the meeting resumed.

During the informal discussions, it became apparent that, although it may ultimately be prepared to do so, the BLS would prefer not have a fight before the Board of Governors, and if further discussions could help develop a proposal that would avoid strong opposition, they would be willing to talk, and in any case they may be willing to speak with our groups to explain the proposal perhaps better than has been done before. Nargis extended an invitation to Mr. Bovitz, Mr. Ferguson, Mr. Arnold and Ms. Culp or their designees to speak to the Executive Committee of the RPLS at its next meeting in

¹² The "BLS group" includes those who were present as BLS members, staff, former Chairs, commission chairs, if any, and the Consulting Group, everyone in attendance except for Nargis, Don and Brant. We were not sure during the meeting which among the BLS group are actual, current members of the BLS, although we were able to identify the positions of some of the BLS group as indicated in this memorandum. Any reference to the "BLS" is intended to mean the actual BLS as currently constituted.

¹³ While the BLS group appears to be mostly on board with the proposal, there was indication of some differences of views warranting a lengthy discussion before action.

early March. Don extended a similar invitation to Mr. Ferguson (or another BLS representative) to speak to the Executive Committee of the LACBA Section at one of its upcoming meetings to be determined.

Anticipating that we might have little, if any, opportunity to speak at the meeting, Nargis had prepared a formal letter of opposition to submit to the BLS as Chair of the RPLS, supplementing the previous submission and stating opposition in stronger terms. However, Nargis and Don determined not to submit the letter because all its points were covered in the verbal presentations. We may consider submitting a revised letter at a later time, as appropriate.

In addition to the summaries set forth above, here are some of the key points that came up during the presentations and discussion:

1. Consulting Group (and likely BLS) attitude regarding the public comments.
 - There were 457 public responses. Those that were not absolutely negative (including “Yes” (129), “Yes, but” (46) and “No, but” (35)) were subtotaled together and treated as a positive in some form, totaling 210 [when really only the 129 unqualified “Yes” responses were fully in favor of the proposal as presented]. Thus, the final tally on the chart appears more favorable to the proposal than the public comments really were. Even so, the majority of public comments were against the proposal (247 unqualified “No” responses vs. 210 all others).
 - Each bar association response was counted as a single response, without regard to the membership of bar associations.¹⁴ Bar associations counted for a total of five responses (2 Statewide, 2 for District 7 [Los Angeles], and 1 for District 2 [which includes 10 counties in Central or Northern California¹⁵]). Three were tallied as “No, but” and two were tallied as “No” responses. The negative tally would have been higher if at least the number of Executive Committee members voting against the proposal had been included in the tally, and if the membership of the bar associations were considered (as represented by the Executive Committees), then the public comment would have been overwhelmingly against the proposal.
 - The Consulting Group obviously took pains to show the public response as favorably as possible to the proposal. The fact that a majority of the responses were still negative did not give much pause to the Consulting Group because the 457 public responses and 247 “No’s” represent a small

¹⁴ We were told that, while the Executive Committee of a bar association may vote against a proposal, some Executive Committee members are perceived in side discussions to be ambivalent on the subject (which apparently cut against the respect given to the negative vote of the RPLS Executive Committee and its July 2005 letter of opposition).

¹⁵ Alpine, Amador, Calaveras, El Dorado, Napa, Sacramento, Solano, Sonoma, Tuollumne, Yolo.

percentage of notified attorneys. In their view, this means that the overwhelming majority of attorneys don't care one way or the other about the proposal, are supportive but did not take the time to respond, are ambivalent, or are not so negative as to take the time to respond, all of which are treated as positives for the proposal. We were told that almost all proposals for specialization receive opposition, especially from bar groups and large firms, and that when specialty areas are established, they seem to work and opposition disappears.¹⁶

2. History of the proposal. Mr. Ferguson noted that, consistent with the mission of the BLS to establish specialty areas, the proposal was first made in the mid 1990s and was in process when the State Bar imploded, causing work on the proposal to be tabled. It is simply being resumed now.¹⁷
3. No respect for LACBA. Mr. Ferguson noted that the BLS gives little weight to opposition from the LACBA. For the past 35 years, the LACBA and its Sections have consistently opposed all proposals for legal specialization. The BLS views this as a "knee-jerk" reaction and largely disregards it.¹⁸
4. The jigsaw puzzle. John Munsill, an officer of the BLS, said that establishing a legal specialty area is like putting together a difficult jigsaw puzzle. One choice would be to withdraw and not put the puzzle together because of the difficulty. But this puzzle is going to be put together, and Mr. Munsill asked if our groups (which have more real estate expertise than the BLS group) would please be of assistance to the BLS in identifying the pieces of the puzzle and how to put them together rather than merely opposing the proposal. In response, we objected to the foregone conclusion that this puzzle will be put together. We thought it was still an open question subject to recommendation, consideration and approval. We cannot support the picture as presented. A different puzzle that would yield a different picture would be a different question.

¹⁶ Essentially, the Consulting Group appears to have expected opposition and the purpose of the public comment was to gauge the level of opposition that the proposal might encounter should it be submitted to the Board of Governors. As gauged, the opposition was not strong enough to halt a recommendation that the proposal go forward (although our appearances at the meeting may be giving them some pause and, at least, cause for further discussion).

¹⁷ Thus, notwithstanding any contrary impressions that we may have, according to Mr. Ferguson the proposal was already in the works and it was not merely a device for increasing fee revenues due to the State Bar's financial difficulties in the mid-1990s. Similarly, his comments suggested that the opposition that was mounted back then by LACBA and others was not a significant factor in the suspension of the effort, which would have gone forward but for the implosion of the State Bar.

¹⁸ However, in subsequent discussions, Mr. Ferguson has indicated a willingness to meet with the LACBA Section's Executive Committee as well as the RPLS Executive Committee in hopes of establishing a constructive dialogue.

5. What legal “specialization” really means. In response to our concern that the field of real property law is too general to support legal specialization, as compared to other specialty areas, and that a specialty designation in real property law would be inherently meaningless and misleading and of no help to consumers or attorneys, we were informed of the following:

- Every specialty area that has ever been established has faced opposition based on the area being too broad.
- Every specialty area can be broken down into a dozen or so sub areas.
- It is naïve to think that existing specialty areas (e.g., tax, estate planning, workers compensation, etc.) have a narrow focus without many aspects and subspecialties.
- Real property law is not unique in this respect, and the argument that real property law is too “general” to support specialization is simply not convincing to the BLS.

Moreover, having a certified legal specialty does not mean that the certified person is greatly experienced or an expert in many or even any of the subspecialty areas. Certified specialty means only that a certain minimum level of experience or proficiency has been recognized through a process with four elements (work experience, test, peer review and CLE). The test must of necessity be somewhat general in nature with more focus on the “core areas” of the subject matter rather than the more exotic subspecialties. The Consulting Group is of the view that even an attorney who focuses his or her practice exclusively on one subspecialty should have some general working knowledge of the core areas of the subject in order to know how the subspecialty area fits in, at least enough knowledge to pass a general test. The peer review element is seen as a check against someone who can pass the test but really does not have the necessary minimum experience.¹⁹

It is for this reason that the Consulting Group made no changes to the proposal based on the objections from the State Bar Environmental Law Section as well as individual comments that the land use and environmental law subspecialty area was itself overbroad and inappropriate. The identified subspecialty areas are

¹⁹ However, it was conceded in informal discussions that applicants generally are able to give names of references who will support their applications. Applicants are generally asked for the names of three references, and each reference is asked for two additional names. Usually three or so positive responses will suffice. It is rare for a reference to say that the applicant does not qualify. Applicants generally get in trouble when references say that they just don’t know the applicant well enough.

merely examples of subtopic areas for real property law, and there would be no in depth testing of any particular areas.²⁰

Several members of the BLS group noted that the RPLS and LACBA Section have various subsections, indicating an ability to house the various subspecialty areas under the umbrella of real property law. They see legal specialization in real estate as a similar umbrella for the various sub areas that ought to be equally workable.²¹

It was an eye opener that legal “specialty” is not and never has been intended to be a recognition of any special expertise, just a minimum level of proficiency (in addition to passing the bar exam to become an attorney in the first place). There was some sentiment that consumers may not understand what legal specialist means and that the distinction between “proficient” and “expert” is not readily apparent.²²

6. Purposes of opposition. Given their view that the general nature of real property law is not a valid objection, we were grilled by BLS group members as to the actual motivations for our opposition. They suspected that the motivations include not wanting the aggravation of taking a test or paying a fee, rather than any real concern about misleading consumers. They would reject those motivations.²³ We responded that our motivations and those of our respective memberships could include all of those things, but we still believe the designation would be misleading to consumers and that a bureaucratic framework would be created without purpose.
7. Purposes of specialization. Several BLS group members indicated that the purposes of specialization in real property law (as with other specialty areas) include the following:

²⁰ Some BLS group members were concerned about how real property law would be tested, but beyond the general comments noted above, the question of testing was off limits for this discussion according to Ms. Culp and Mr. Bovitz. If the specialty area is established, there will be lots of work on developing a suitable test.

²¹ Of course, there is a significant difference between a section of a bar association that provides education opportunities within a general subject area and says nothing about the expertise of its members and the BLS which purports to certify specialty or proficiency of attorneys.

²² We had not expected to hear that “special” does not mean “special,” and even one of the BLS group questioned whether the consuming public understands what legal “specialist” really means.

²³ We were told informally that when a specialty area is first established, the BLS will likely exempt very experienced attorneys from having to take the test, removing that aggravation from the people who they would like to recognize with the specialty designation at the beginning of the program.

- To provide consumers a means of identifying attorneys with experience in the subject area they need. Mr. Arnold related his own experience and frustration in the Oxnard area dealing with opposing counsel who were “bums” and knew nothing about real property law and were nevertheless representing clients. This causes Mr. Arnold to have to educate the bums in order to complete real estate transactions. Specialization promotes education. Another BLS group member commented that if she needs surgery she will seek out a board certified surgeon, and the same need exists in real property law for consumers.²⁴
- To provide consumers a means of obtaining knowledgeable referrals to suitably experienced attorneys. The expectation is that a certified specialist in real property law would be able to refer consumers to appropriate attorneys should the subject matter be outside of the specialist’s own expertise, consistent with ethical standards.²⁵
- To provide advantages to attorneys. Although not emphasized, there was sentiment that specialization would provide marketing advantage for attorneys. It was also pointed out that specialists have lower malpractice insurance rates²⁶ and that bankruptcy specialists can be awarded higher fees under a new law. Those most often certified are young lawyers (who often feel shut out),²⁷ small firm lawyers (who believe that big firms dominate) and rural lawyers. Specialists get referrals from big firms. Big firms find that certification does not do anything for them.
- To improve attorney practice in courts. The certification program for appellate attorneys was established at the request of appellate court judges who complained about the quality of work by attorneys handling appellate cases.

²⁴ The question was raised as to how general or specific board certifications are in surgery. The BLS group is under the impression that general certification in surgery is available, not necessarily for specific kinds of surgery. In addition, BLS group members pointed out that several other states have successful certification programs in real property law. Previously, Ms. Culp had mentioned that Arizona, Texas and Florida are states with specialization programs in real property law. These things may warrant further investigation.

²⁵ Of course, specialization does not assure that these purposes would be served. Consumers may still hire bums. Ethical referral to suitably experienced attorneys is supposed to be happening anyway and specialization adds nothing to consumer protection in this respect.

²⁶ It was not mentioned that specialists are held to higher standards in court.

²⁷ On the other hand, there was conflicting indication that young, inexperienced attorneys find that specialization favors older attorneys who can qualify, which puts young attorneys at a competitive disadvantage, although that was said not to be the intent of the program.

The BLS group does not appear to be concerned about the ability of larger business entities to obtain suitable counsel, or with the participation of big firms in the specialization program (big firm attorneys generally oppose specialization and generally do not participate²⁸).

Thus, it appears that a key motivating factor behind the proposal is to provide a competitive advantage among small firms, rural attorneys and possibly young attorneys for consumer clients. The usual opposition from big firms and bar associations is generally not relevant to this motivation or the interest groups.²⁹

8. More focused specialty areas? In light of the objection based on the too-general nature of real property law, we were each asked by Mr. Bovitz if we would support more narrowly drawn specialization in the subspecialty areas. We noted that a more narrowly drawn proposal would need to be considered by our groups, but that such a proposal would make more sense than the pending proposal. The Consulting Group had not recommended this due to the view that administering so many different specialty areas would be infeasible. Our suggestion was not to attempt specialization in all of the subspecialty areas, but only in the ones of most relevance to consumers, such as residential sales or leasing.³⁰

In conclusion, it appears that the timing of progress of the proposal will be delayed and that meanwhile representatives of the BLS will meet with our respective groups for more discussion and feedback. Our general observation is that they seem intent on proceeding with specialization, and are essentially asking us what the specialty program should look like. In light of this meeting, we will need to reconsider whether there is any specialization that we can agree on, what it might look like and whether anyone can commit to help work on this.

²⁸ Indeed, we were questioned as to the nature of our legal employers (the implication was that they expected us to be with big firms that always oppose legal certification proposals).

²⁹ A review of the membership of the BLS reveals that all the attorney members are either solo practitioners or are with small firms. There are a few non-attorneys on the BLS as public members (likely consumer oriented). Only 27 of 67 responding solo practitioners provided unqualified “No” responses; the other 40 were spread among the other categories of responses which were viewed as favorable to the proposal by the Consulting Group. This apparently carries more weight with the Consulting Group and BLS than the negative responses from other sources. But even as to the solo practitioners, only 19 gave unqualified “Yes” responses, so that a large majority did not favor the proposal as presented. Only 28% of solo practitioners were unqualified “Yes” (19/67) – the same percentage as the unqualified “Yes” responses represent of the total responses (129/457). Given the apparent bias of the Consulting Group, it might even bear checking how accurately they treated the public comments when categorizing them!

³⁰ One BLS group member pointed out that many of the subspecialty areas can be implicated in legal matters at the consumer level. The example stated was a homeowners association that had real property issues arise in a variety of the sub areas, such as CC&Rs and construction defect disputes.

Attachments:

- Consulting Group Memo, dated January 12, 2006
- Revised Standards for Certification and Recertification in Real Estate Law
- Public comment breakdown charts (2)
- State Bar RPLS Comment Letter, dated July 19, 2005
- State Bar Environmental Law Section Comment Letter, dated August 12, 2005